



Arkansas Department of Health Mediation/Grievance Policy

Mediation/Grievance Policy

- The Arkansas Department of Health's policy is that all employees are given the opportunity to resolve complaints or grievances which the employee believes adversely affects employment or working conditions.

Mediation/Grievance Policy

- The Grievance process establishes procedures for resolving workplace disputes and disciplinary issues.

Mediation/Grievance Policy

- The mediation/grievance process is done
 - Through established steps & procedures
 - In a timely manner
 - Through reasonable efforts

Mediation/Grievance Policy

- Employees should submit only grievances or complaints
 - Made in good faith
 - Expressed in reasonable terms
 - Containing cause of grievance or complaint
 - Corrective action desired and
 - Sufficient information to base a decision

Mediation/Grievance Policy

- Access to this process
 - Is at the employee's option
 - Provides an avenue of review and resolution
Internal situations
 - Has no expectation of continued employment

What is ADH Mediation?

- ADH mediation is an internal non-adversarial negotiation between the employee and his or her supervisor, using a neutral third-party mediator.

What is DF&A Mediation?

- The Arkansas Department of Finance and Administration (DF&A) mediation is an external non-adversarial negotiation between the employee and his or her supervisor, using a third-party mediator.

What is a Fact-finding Conference?

- A Fact-finding conference is a more formal process that allows the employee to request successively higher levels of management review his or her grievance if the employee is not satisfied with the results of the process.

Employees NOT Eligible to File a Grievance

- Agency Director
- Deputy Directors
- Center Directors
- All employees occupying an unclassified position (grades 66 & 99)
- Managers & Program Directors (Grades 22-26)
- Employees appointed by Constitutional Board

Employees NOT Eligible to File a Grievance

- Employees in the following status are not eligible to file a grievance
 - Part-time
 - Temporary
 - Emergency Hire
 - Extra Help and
 - New-hire Probationary Employees

Who is Eligible to File a Grievance?

- Any full-time, salaried employee, occupying a regular salaried position, who works a minimum of 1,000 hours per year
- Any employee regardless of status may use this policy to address concerns related to discrimination or violation of the Americans with Disabilities Act.

What is a Grievance?

- A Grievance is an adverse action against any employee, or former employee in case of termination. It includes actions such as
 - Terminations
 - Suspensions
 - Non-selection for Promotions
 - Reduction of annual leave as a disciplinary action
 - Reduction of Sick leave as a disciplinary action
 - Failure to award compensatory time earned
 - Unlawful Discrimination
 - Other disciplinary actions

What Matters are NOT Grievable?

- The following matters are not grievable.
 - Advice of the Grievance Officers, Employee Relations Manager or Legal Counsel
 - Approved ADH policies, procedures or guidelines
 - Matters governed by law, regulation or executive order outside of the Agency's control
 - Non-disciplinary Counseling actions

Filing a Grievance

To file a grievance, eligible employees must:

- Submit the matter in writing on the mediation/grievance form (filled in completely)
- Describe the adverse action received
- Describe the reason(s) the employee disagrees with action
- State what the employee is seeking as a resolution
- File within five working days of the date of the occurrence

Three Components of the Grievance Process

- The first component is Mandatory Mediation
 - This is an internal, non-adversarial negotiation between the employee and his/her supervisor using a neutral third-party mediator
 - Mediation is a mandatory first step in the grievance process

Issues that May be Mediated

- Matters other than disciplinary actions that otherwise are not grievable, such as disputes involving employees serving an initial new-hire to the department probationary status

OR

- Mediation directed by the supervisor regarding disputes between employees

Three Components of the Grievance Process

- The Second component is mediation through the Arkansas Department of Finance and Administration
 - This component is at the employee's option
 - It may be chosen to resolve issues not resolved through mandatory mediation.
 - It may be chosen in lieu of the fact-finding conference

Three Components of the Grievance Process

- The Third component is the fact-finding conference
 - This component is at the employee's option
 - It may be chosen to resolve issues not resolved through mandatory mediation
 - It may be chosen in lieu of the optional DF&A mediation

Grievance Process

- Grievances are processed through the Agency Grievance Officer
 - Participation is voluntary
 - It may be terminated at any stage, if all parties reach an agreement
 - Grievance procedures may be terminated at any step by the grievant and
 - Mediation may be terminated at any time by any and/or all parties, if it is not productive

Mediation/Grievance Process

- The grievance process is time sensitive.
 - Grievances must be completed within 25 working days of filing.
 - Mediation must be completed within 10 working days of filing.
 - The process may be extended if agreed by all parties or if there are scheduling constraints.
 - Total days should not exceed 35 working days

Mediation/Grievance Process

- An employee may have any one, including an attorney, represent them in a grievance/mediation procedure at the employee's expense.
- An employee or management may have any person with relevant knowledge testify or submit a written statement as evidence in the procedure.

Mediation/Grievance Process

- The Grievance Officer may modify, waive or change the process to fulfill its intent
- The Agency Director may intervene at any time, if direct action is needed
- The Grievance Officer may ask for a determination from State Grievance Review Committee if you do not agree with the Grievance Officer's determination.

Initial Action

- Employees should attempt to resolve any employment issues with their supervisor, first.
- Employees must submit written requests or complaints to the Agency Grievance Officer.
- Grievances must be submitted within five working days of occurrence.

Grievance Appeals

- If an employee is not satisfied with a grievance decision, the employee may file an appeal through the Agency Grievance officer to
 - The State Grievance Review Committee
 - OR
 - The State Employee Grievance Appeal Panel as appropriate

Documentation

- Documentation on all grievances are maintained by the grievance officer in a separate file from employee file.
- Documentation on all grievances never becomes a part of an employee's permanent file.
- The Grievance Officer maintains the file in hard copy for at least five years.

Special Notations

- Meetings and hearings at ALL steps of the Grievance Process are recorded and transcribed and become part of the case file in the event that the employee files a grievance appeal.

The Role of the EEO/Grievance Officer

- Provides technical assistance
- Coordinates and attends all meetings and hearings
- Maintains complete records of all grievances, complaints and appeals
- Determines whether a matter is grievable

Where to Get More Information

- Refer to the Agency Grievance Policy

OR

- Call The Employee Relations Office at
(501)280-4099

Post Assessment

- Please return to A-TRAIN to complete the post assessment for this course.
- Instructions for completing the post assessment were e-mailed to you when you registered. They were attached to the registration notification.